IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 734 of 2007
Date of decision : 9.2.2007

M/s Fatehgarh Rice & General Mills, Fatehgarh.

.....Petitioner.

Versus

Punjanb State Civil Supplies Corporation & Anr.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Pardeep Goyal, Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 25.1.2007 passed by the learned Addl. District Judge, Sangrur vide which appeal filed by the respondent-defendant against grant of temporary injunction by learned trial Court under Order 39 Rules 1 & 2 C.P.C. has been allowed.

The plaintiff-petitioner had filed a suit for injunction restraining respondents No. 1 & 2 from giving/shifting paddy to any other mill from Fatehgarh, Dolla Singh Wala, Sangatpura, Gidariani, Ganduan, Faleran Centres before giving paddy of 4750 MT to the plaintiff as per the Milling Policy for the year 2006-07. The learned lower appellate Court took note of clause 7 of the said policy, which reads as under :-

> "The Government/ agency do not guarantee any definite volume of work, shelling of paddy at any time or through out the period of contract. The mere mention of any type

of work in this policy shall not by itself confer a right on the miller to demand that work relating to shelling of paddy at a particular center/mandi should necessarily or exclusively be entrusted to him.

The learned lower appellate Court, therefore, rightly came to the conclusion that the petitioner had no absolute right to claim the paddy. The petitioner-plaintiff, therefore, was rightly held not to have a prima facie case in its favour, and thereby allowed the appeal.

The learned counsel for the petitioner vehemently argued that the scheme framed by the Govt. of Punjab was a law in terms of Article 13 of the Constitution of India and, therefore, the respondent-defendants were bound by the same and therefore the order passed by the learned lower appellate Court cannot be sustained. It was also contended by the learned counsel for the petitioner that by way of an administrative letter the terms of the policy could be changed and in support of this contention he referred to the letter issued by the District Manager of the Procuring agencies wherein it was mentioned that storage of paddy should be within 8 kilometers of the godown of the Food Corporation of India. The reading of the letter nowhere shows that there has been any change in the policy. The learned lower appellate Court, therefore, was right in allowing the appeal and dismissed the application moved under Order 39 Rules 1 & 2 C.P.C.

No merit.

Dismissed.

9.2.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**